

MAR 14 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(MBHB Case No. 02-760-A)

In the Application of:)	
)	
Fobian, et al.)	Before the Examiner:
)	Shailendra Kumar
)	
Serial No. 10/657,567)	Art Unit: 1621
)	
Filed: September 8, 2003)	
)	
For: 1, 3-Diamino-2-Hydroxypropane Prodrug)	
Derivatives)	

FACSIMILE TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Attn: Examiner Kumar
Fax 703-872-9306

No. of Pages: 3
Including this Transmittal Letter

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:
 - a. Response to the Restriction Requirement Mailed February 14, 2005
2. No fees are due at the present time.
3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490.
4. CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being facsimile transmitted to the Patent and Trademark Office (Fax No. 703-872-9306) on this 14th day of March, 2005.


Bradley W. Crawford
Reg. No. 50,494

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312-913-0001
Facsimile: 312-913-0002

CERTIFICATE OF MAILING

I hereby certify that this paper and every
paper referred to therein as being enclosed
is being sent via facsimile to: Commissioner
for Patents, Alexandria, Virginia 22313,
on 2-14-05 (Date of Deposit)

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Case No. 02-760-A

In re Application of:

Fobian, et al.

Serial No.: 10/657,567

Filed: September 8, 2003

For: 1,3-Diamino-2-Hydroxypropane
Prodrug derivatives

Before the Examiner:
Shailendra Kumar

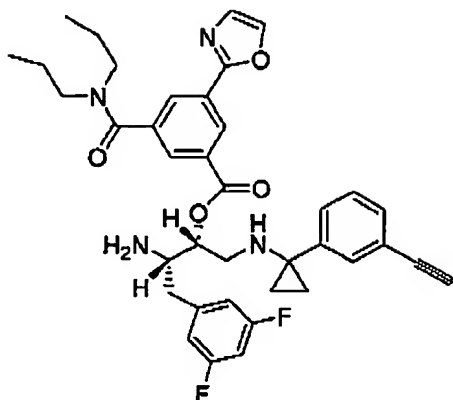
Art Unit: 1621

RESPONSE TO THE RESTRICTION REQUIREMENT
MAILED FEBRUARY 14, 2005

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Restriction Requirement mailed February 14, 2005, the Applicants elect the invention of Group II, i.e., the heterocyclic compounds and compositions for prosecution. The Applicants further select compound 9, from page 179, which has the following structure:



Applicants further note that the name of compound 9, on page 179 of the application as filed is incorrect. The proper name (generated using ChemDraw Ultra v. 8.03) is (2R,3S)-3-amino-4-(3,5-difluorophenyl)-1-(1-(3-ethynylphenyl)cyclopropylamino)butan-2-yl 3-(dipropylcarbamoyl)-5-(oxazol-2-yl)benzoate.

CONCLUSION

The Applicants invite the Examiner to contact the Applicants' undersigned representative at (312) 913-2114 if the Examiner believes that this would expedite prosecution of this application.

Respectfully submitted,

March 14, 2005

By: 

Bradley W. Crawford
Reg. No. 50,494